

Amendment under 37 CFR 1.114
Serial No. 10/654,892
Attorney Docket No. 053432

REMARKS

Claims 1 and 3-22 are pending in the present application and are rejected. Claims 1, 13, 15, 18 and 20-22 are herein amended. New claims 23 and 24 are added herein. Claim 10 is herein cancelled without prejudice.

Applicants' Response to Claim Objections

The Office Action objects to claims 18 and 22 due to minor defects. Applicants also note that claims 15 and 20 contain a minor error in that the word "provided" was not deleted in the previous Amendment. In response, Applicants herein amend the claims in order to correct for these errors. Favorable reconsideration is respectfully requested.

Applicants' Response to Claim Rejections under 35 U.S.C. §112

Claim 21 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Office Action notes that it is unclear whether the applicant is claiming the combination of the belt molding and the window, or only the subcombination of the belt molding. The Office Action notes that the preamble of claim 1 implies that the applicants are only claiming the subcombination, but the "positive recitation of the window implies the combination."

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In response, Applicants herein amend claim 21 to recite “the inner surface of the elevating window,” in order to improve the clarity of the claims. It is noted that Applicants only claim the belt molding, and do not claim the elevating window.

Applicants’ Response to Claim Rejections under 35 U.S.C. §102

Claims 1, 3-5, 12, 20 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by French Patent Publication No. 2,718,392 (FR ‘392).

Claims 13, 15 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by French Patent Publication No. 2,718,392 (FR ‘392).

It is the position of the Office Action that FR ‘392 discloses the invention as claimed. FR ‘392 is directed at a weather strip having a stiffer section 1 placed on a body panel and a softer section 2 which engages with movable glass 6. Trim strip 5 is inserted into an upward opening groove of the weather strip. Meanwhile, a spring 3 is used in the softer portion to keep the wiping surface 22 pressed against the movable glass 6. It is noted that there is a relatively large distance between the movable glass 6 and the trim strip 5, as illustrated in Figure 2.

In FR ‘392, the portions that correspond to the car inner side fitting portion and the car outer side fitting portion in the claimed invention are made of a hard material. Accordingly, when there is any bias in the distance between the flange and the trim, such bias cannot be absorbed at the fitting portions. Thus, it can be difficult, or even impossible, to attach the trim.

In contrast, the claimed belt molding includes a core member embedded in the car outer side fitting portion. The core member does not reach the car inner side fitting portion, so that the

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car inner side fitting portion is more deformable than the car outer side fitting portion. Accordingly, the car outer side fitting portion can be firmly attached to the trim, while the car inner side fitting portion can absorb the bias in the distance between the flange and the trim. FR '392 fails to disclose or suggest such a feature.

Applicants herein incorporate the recitations of claim 10 into claims 1, 13 and 18. The Office Action relied on GB '415 to teach a core member. This reference discloses a belt molding in which a core metal is embedded in a fitting portion. However, this reference distinguishes from the claimed invention in that the core metal reaches to be embedded in the car inner side fitting portion and that an upward opening groove is disclosed in the car inner side fitting portion. Therefore, Applicants herein amend claims 1, 13 and 18 in order to recite a core member that "is approximately U-shaped in cross-section and is embedded in the car outer side fitting portion." Applicants respectfully submit that such a claim amendment distinguishes over the cited art. Favorable reconsideration is respectfully requested.

Additionally, Applicants herein add new claims 23 and 24 in order to specifically recite that the distance between the inner surface of the elevating window and the downward flange portion is greater than the distance between the inner surface of the elevating window and the outer end of the trim board. As illustrated in Figure 2, such a construction allows for the trim board to be disposed nearer to the elevating window than in FR '392. As discussed in the specification, for example, at page 2, line 25 to page 4, line 11, this allows for greater safety by preventing a child's fingers from being pinched. Favorable consideration is respectfully requested.

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Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claims 6-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over FR '392 in view of Japanese Patent Publication No. 07-237448 (JP '448).

It is the position of the Office Action that FR '392 discloses the invention as claimed, with the exception of a fitting portion having positioning slits which are engageable with positioning ribs. The Office Action relies on JP '448 to provide this teaching. In response, Applicants respectfully submit that that claims 6-9 are patentable due to their dependency on claim 1. Favorable reconsideration is respectfully requested.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over FR '392 in view of JP '448, and in further view of British Patent Application No. 2,362,415 (GB '415).

It is the position of the Office Action that FR '392 discloses the invention as claimed, with the exception of a metal core member embedded in plastic sealing structure. The Office Action relies on GB '415 to provide this teaching. As noted above, Applicants herein amend the subject matter of claim 10 into claims 1, 13 and 18. Claim 10 is herein cancelled without prejudice. Therefore, this rejection is moot.

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Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over FR '392 in view of Arata et al (U.S. Patent No. 6,837,005).

It is the position of the Office Action that FR '392 discloses the invention as claimed, with the exception of a fitting portion made of a thermoplastic elastomer material and sealing lips made of a material which is capable of fusion bonding and is softer and more elastic than the fitting portion. The Office Action relies on Arata to provide this teaching. In response, Applicants respectfully submit that that claim 11 is patentable due to its dependency on claim 1. Favorable reconsideration is respectfully requested.

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over FR '392 in view of European Patent Publication No. 0,441,073 (EP '073).

It is the position of the Office Action that FR '392 discloses the invention as claimed, with the exception of an upwardly opening groove having a bottom wall, including a holding lip being elastically deformable. The Examiner relies on EP '073 to provide this teaching. In response, Applicants respectfully submit that that claim 19 is patentable due to its dependency on claim 1. Favorable reconsideration is respectfully requested.

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Claims 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over FR '392 in view of JP '448.

It is the position of the Office Action that FR '392 discloses the invention as claimed, with the exception of a fitting portion having positioning slits which are engageable with positioning ribs. The Office Action relies on JP '448 to provide this teaching.

In response, Applicants respectfully submit that claim 18 is patentable for at least the reasons that claim 13 is patentable, as discussed above above. With respect to claim 14, Applicants respectfully submit that claim 14 is patentable due to its dependency on claim 13, which Applicants submit is patentable for at least the reasons discussed above. Favorable reconsideration is respectfully requested.

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over FR '392 in view of EP '073.

It is the position of the Office Action that FR '392 discloses the invention as claimed, with the exception of an upwardly opening groove having a bottom wall, including a holding lip being elastically deformable. The Office Action relies on EP '073 to provide this teaching. In response, Applicants respectfully submit that that claim 16 is patentable due to its dependency on claim 13. Favorable reconsideration is respectfully requested.

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Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over FR '392 in view of Hamabata (U.S. Patent No. 5,775,030).

It is the position of the Office Action that FR '392 discloses the invention as claimed, with the exception of a side wall comprising a latching stripe being configured to be received within a recess on a downward flange portion. The Office Action relies on Hamabata to provide this teaching. In response, Applicants respectfully submit that that claim 17 is patentable due to its dependency on claim 13. Favorable reconsideration is respectfully requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

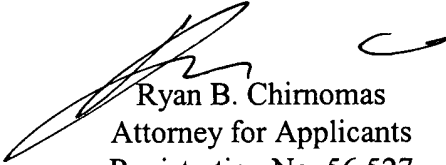
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned agent.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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Enclosure: Petition for Extension of Time